

Public Assistance Program Procedures

The following procedures describe the Public Assistance process as it is typically carried out, beginning with the initial briefing for potential Applicants through and including project close-out and appeal procedures. A flowchart on the process from the declaration of an event to final closeout and audit is located in Appendix E.

Joint Field Office

After the President makes a declaration of disaster, a Joint Field Office (JFO) is jointly established with FEMA. The JFO becomes the focal point for disaster recovery operations, coordination, and information including management of the Public Assistance process.

Generally speaking, once Project Worksheets have been written and project applications made, coordination of the Public Assistance program shifts to the State Emergency Management Division at Camp Murray and the Region X office of FEMA.

Applicant Briefing

Soon after the Joint Field Office (JFO) is established, Applicant Briefings are scheduled in each declared county on the Public Assistance Program. All potential Applicants in the declared disaster are invited to send one or more representatives to a briefing. The individual(s) attending the meeting should be qualified to speak officially for the agency that he or she is representing. Additional representatives that are encouraged to attend include an accounting staff member and a public works department representative.

The Applicant Briefing will cover information on the Public Assistance Program, the Applicant's responsibilities under the Public Assistance Program, a disaster fact sheet, information that needs to be collected and prepared in advance of the FEMA-State team visit, completion of a Request for Public Assistance (RPA), and distribution of required state forms such as the state agreement, designation of Applicant Agent form, disaster assistance application, the Military Department Signature Authorization form, the W-9 taxpayer identification form, the Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form, and the electronic fund transfer form. A copy of the designation of Applicant Agent form, disaster assistance application, and an invoice voucher are included in Appendix A.

Request for Public Assistance

Filing a Request for Public Assistance (RPA) form is the initial step taken by an Applicant to indicate their intention to apply for federal assistance under a Presidential disaster declaration.

This form is filled out by a representative of the affected entity at the Applicant's briefing and does not commit the entity to any financial obligations. The purpose of the form is to identify eligible Applicants and their authorized representative and an alternate, including address, phone number, cell phone, fax number, and email address where the Applicant's representatives can be reached.

The Request for Public Assistance must be submitted to FEMA within 30 days following the Presidential declaration designating the area in which the damage is located. The completed RPA is then processed and assigned to a Federal and State Public Assistance Coordinator team. If a potential Applicant does not submit an RPA within 30

days of the Presidential Declaration, they may not be eligible for federal assistance under this program. Late submittals will be considered on a case by case basis.

If a potential Applicant is not able to attend the Applicant Briefing, the information for an RPA can be completed with the state Public Assistance Program staff over the telephone or forwarded to the State at the JFO either by fax, postal service, or in person. The RPA form can be accessed from the internet, be obtained by fax, or picked up at the Applicant Briefing. Regardless of the option by which an Applicant chooses to submit an RPA, the RPA must either be received at the JFO, or be post marked by the thirtieth day after the declaration of Public Assistance for their county.

Private Non-profit Organizations

Private non-profit organizations are required to provide documentation to EMD for determination of eligibility with the Request for Public Assistance. The following documentation will be required:

1. Bylaws and/or charter of the organization.
2. IRS tax exemption or Secretary of State ruling that the organization is non-revenue producing and non-profit under state law.
3. Articles, pamphlets or brochures describing:
 - a. the primary purpose of the organization;
 - b. the primary purpose of the damaged facility(s); and
 - c. service(s) provided at the damaged facility(s).

4. PNP Questionnaire (provided at the Applicant Briefing).
5. Lease information
6. Insurance Policies
7. School accreditation or certification (as applicable).

Public Assistance Coordinator (PAC)

As requests are submitted, Applicants are assigned to a team of federal and state program experts, called Public Assistance Coordinators (PACs), who serve as their customer service representatives on PA Program matters and who will manage the processing of the Applicant's recovery projects. These program experts:

1. Work with the Applicants to identify and resolve needs, problems, and potential funding issues;
2. Secure the appropriate resources to assist the Applicant in completing the PWs;
3. Track each Applicant's projects as they are processed; and,
4. Ensure consistent, equitable, efficient, and effective delivery of the program.

Designation of Applicant Agent Resolution

The affected entity appoints an official representative and alternate to be the point of contact. These individuals must be authorized to make decisions on behalf of the entity. All correspondence will be sent to the primary Applicant Agent. All invoice vouchers for payment of funds to the Applicant will be required to be signed by the Applicant Agent or alternate.

The resolution must have signatures of voting members of the governing body; their titles may be typed. A majority of the governing body must sign the resolution. The signed resolution itself may be photocopied, but the CERTIFICATION needs to have the ORIGINAL SIGNATURE of the clerk of the governing body, (preferably in blue ink). In lieu of this form, a letter from the highest authority of the public agency (e.g. mayor, city manager) may be substituted. However, one may not appoint oneself as the Applicant Agent.

A sample of the Designation of Applicant Agent Resolution or letter is found in Appendix A.

Disaster Assistance Application

This form is the application for funding with the State. The original form must be returned to EMD. A photocopy of the signed application will not be accepted. Only the Applicant Agent and alternate may sign the Applicant Agent block, (preferably in blue ink). A copy of this documentation will be returned after being signed by the Governor's Authorized Representative.

A Disaster Assistance Application form is located in Appendix A.

Disaster Grant Agreement

Each approved Applicant (public entity, Indian Tribe, or eligible private non-profit organization) must enter into an agreement with the Washington Military Department, Emergency Management Division. The agreement describes the roles, responsibilities, conditions, and assurances that must be met for receipt of funds.

Kick-Off Meeting

A Kick-Off Meeting is typically scheduled within one week of FEMA's receipt of the RPA. The State Public Assistance Coordinator, in conjunction with their federal counterpart, will contact the Applicant to set up the Kick-Off Meeting. At this meeting a detailed review of the program as it applies to the specific Applicant will be provided.

The Public Assistance Coordinator addresses issues, such as insurance, environmental protection, historic preservation, and hazard mitigation opportunities that may affect the type and amount of assistance available and the documentation required.

Each Applicant must submit a list of potential small and large projects to the Public Assistance Coordinators at the Kick-Off Meeting. At this meeting, the Applicant will:

- Identify all historic structures and archaeological sites;
- Identify any environmental conditions and regulations such as hazardous materials and fish habitat;
- Provide copies of current insurance policies including a list of covered properties;

Provide copies of any JARPA applications submitted and any permits obtained;

- Identify all codes and standards that apply to their repairs; and,
- Identify other unique conditions applicable to their damaged sites.

At the Kick-Off Meeting, the Applicant Agent, alternate, manager, payroll and finance representatives, and staff knowledgeable of the major damage sites should attend. In addition, if the Applicant has damages along a water body, then a representative from their environmental staff is encouraged to attend. This meeting will be held at a location and at a time arranged by the Applicant.

Project Worksheet (PW)

The purpose of the Project Worksheet (PW), FEMA form 90-91, is to identify the damaged facility, document eligible damage, present a method of repair and provide an estimated cost for that repair. It is important that the PW be accurate and complete to ensure that the project will be completed as envisioned by all parties so funds are not lost by the Applicant. The minimum estimate of damage per PW is \$1,000. A PW with damages for less than \$1,000 is not eligible for reimbursement.

Considerable time may pass after the disaster before the project worksheet is approved by FEMA. In the meantime, emergency work must be completed. Since an Applicant cannot know for certain what each PW will cover, separate accounting charges and documentation should be established for each site. Documentation includes copies of payroll records, invoices and proof of payment, contracts, and photos showing the damages.

The PW is prepared by a team consisting of State/FEMA Project Officers (PO) and an Applicant representative in consultation with the Public Assistance Coordinator (PAC). The POs will collect and review all data pertaining to the project and assemble the PW and backup documentation supporting the Applicant's claim and project decisions. Included with the PW are any special

considerations such as: anticipated insurance reimbursement, environmental and permit requirements and photos where appropriate. In addition, the PW will document if the project is located in a floodplain.

Project funding will be approved by FEMA based on the PW estimate. No payments can be made to the Applicant prior to FEMA approving the PW.

Direct Administrative Costs

FEMA will reimburse applicants reasonable direct administrative costs to perform eligible Public Assistance (PA) activities. Direct administrative costs are those incurred by the applicant that can be identified separately and assigned to a specific project worksheet. Such costs include staff's time to conduct an initial inspection, prepare and submit a Project Worksheet, make interim and final inspections of the project, and the travel expenses, materials, equipment, and supplies associated with each. Costs incurred to administer and manage the project specific PA grant are direct administrative costs, and would include all efforts necessary to support and coordinate specific project activities with the Emergency Management Division and FEMA – PW preparation, PS&E and bid tab review and approval, change order coordination, monitoring visits, phone conversations, time extensions, completion certification, closeout documentation, quarterly reports, etc.

All costs directly charged to specific projects as direct administration must be fully documented as such. Applicants must maintain documentation to support all costs they request for reimbursement.

Estimating Small Projects

The Applicant has the opportunity to describe and estimate the cost of repairing the disaster damage for all small projects. Small project PWs include the location, damage description and dimensions, scope of work, and cost estimate for each site. Environmental, historic, insurance, and hazard mitigation issues must also be addressed on the special considerations checklist as an attachment to the PW. A project is not necessarily limited to damages at one site. Instead, Applicants have the option of combining several sites into one project, thereby organizing project management around their own administrative system and recovery needs and reducing the number of documents related to their recovery funding. The minimum estimate of damage per PW is \$1,000. A PW with damages estimated at less than \$1,000 is not eligible for reimbursement.

Estimating Large Projects

The Public Assistance Coordinator team will work with the Applicant and a Project Officer team, made up of federal, state and Applicant representatives, to develop the damage description, scope of work and cost estimate for each large project. The Applicant representatives will be called upon to identify damage and provide repair cost estimates. FEMA will obligate funds for large projects based on the estimates.

Due to the size and complexity of many large projects, construction can take several months to complete. For this reason, large projects are initially approved based on estimated costs. When all work associated with the project is complete, a final reconciliation of actual costs is performed. The accuracy of the cost estimate is important for construction planning, budgeting, and management.

Estimates may be developed by the Project Officer Team using a professional cost estimating methodology. The cost estimating methodology uses standard construction industry practices and includes labor, materials, equipment, project design and management, contractor overhead and profit escalation due to inflation, and other factors that can increase project costs significantly over long construction periods. However, if the Applicant has examples of recent actual costs for their area, these must be provided to the PAC as soon as possible for consideration as unit prices in developing the cost estimate.

Special Conditions

This term is used to describe issues related to statutes such as the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), insurance, and hazard mitigation. The early identification of these issues allows more time for resolution without delaying the assistance needed for recovery. Questions about special considerations are raised early and often throughout the process - from preliminary damage assessment to project completion.

Historic Facilities

Facilities on the National Register for Historic Places or those that are eligible for the National Register (50 years old or greater) require special attention in the PW in documenting damage and repair. Pre-disaster and original construction photos, contract plans, and any other historical information are very important in determining damage repair and eligible costs.

Laws and Regulations

Projects funded with FEMA funds must comply with all federal, state and local laws,

rules, and regulations, and are subject to the National Environmental Policy Act (NEPA). A NEPA review is done on the PW by FEMA and must be completed prior to their approval and funding of the project. The Applicant is responsible for ensuring that all required federal, state, and local permitting actions for the project have been obtained prior to emergency work or permanent repair actions.

Combining Sites

Several sites may be combined into one PW in order to meet eligibility requirements. When multiple sites are combined into one PW, the description of damage, location, repair, quantities and costs are still broken out by individual site and documentation is also collected by site. For example, if an Applicant has washout damage on three streets, all three locations may be combined into one PW. The Applicant should establish three separate files for collecting and tracking expenditures instead of one file for all three streets.

Categories of work are not combined on a PW unless the work in another category is related to the primary work and is minimal.

Project Worksheet (PW) Process

The first step for an Applicant in completing the Project Worksheet process is to provide their state PAC a list of projects at the Kick-Off Meeting. Those projects will then be assigned to a Project Officer team.

The Project Officer team will then contact the Applicant to make site visits to damaged sites and collect data on expenditures already made. The POs collect specific data not already received on insurance, permit requests, hazard mitigation ideas, and unit costs based on recent (last 12 months) contracts for similar work.

The team, made up of federal, state and local representatives, prepares the PW consisting of a damage description, scope of work, project estimate, photos, and supporting documentation. Prior to finalization of the Project Worksheet, the Applicant is given the opportunity to review the PW and any items considered ineligible. The Applicant can provide the POs with any additional information to support their claim. Once finalized, the PW is submitted to FEMA for review and funding approval.

The PW is entered into the federal computer system. Formal review under special considerations is started. Additional questions and funding conditions may come up during this review process.

After the PWs have been reviewed and approved by FEMA, a copy is given to EMD.

Project Worksheets are approved in groups of one or more called packages or bundles. Packages or bundles with approved PWs are forwarded to the Applicant with a letter noting amounts approved, as well as time limitations and any conditions of the PW approval.

If the project is determined to be ineligible for funding the Applicant will be formally notified. If the Applicant disagrees with the final PW scope or cost, then an appeal may be filed with EMD **within 60 days** of the Applicant's receipt of the package.

The Applicant should review the approved PW and discuss any differences with the PAC since the final approved costs or scope may be different than originally recommended by the PW team. If there are any questions, the Applicant has the option

to appeal the final approved PW within 60 days of receipt.

If the PW is for a small project and the scope of work is accurate then the only recourse is a small project appeal after all the Applicant's small projects have been completed. See page 40 for details on the appeal process.

It may become apparent after the PW is approved that it is incorrect. For example, the extent of damage is discovered to be greater than first thought, the original cost estimates were too low or the time required to complete the project has changed. In these cases, the Applicant is required to submit a letter to EMD explaining these circumstances and requesting an adjustment as appropriate. These changes must be approved by EMD/FEMA before any federal funds can be expended on the changes.

Any damage that is not identified during the Kick-Off Meeting **must be reported in writing to the state PAC within 60 days of the Kick-Off Meeting.** The state PAC will forward the request for site review of additional damage to the Regional Administrator.

Upon receipt of the funding package, the Applicant can proceed with project completion for those projects not already completed.

The Applicant must complete a letter of certification form for small projects and/or SOD form for large projects within 60 days of the completion and bills paid. The certification letter/SOD must be sent to EMD.

Disputes/Conflict Resolution

When an Applicant does not concur with the proposed Project Worksheet, then the Applicant will be given the opportunity to meet with the State and FEMA Public Assistance Officers or their designated representatives to discuss the project options and the reasons for denial (if applicable). This should be done as soon as possible, given that the PAC team is unable to resolve the issue.

This will be an opportunity for the Applicant to identify those items they are not satisfied with and to present documentation in support of their position. During this meeting all sides are represented, facts are verified, and additional information will be considered. Following the meeting, FEMA will make a final determination, which will be followed by a final Project Worksheet. If the Applicant does not agree with the determination, they will have the option to make a formal appeal .

Hidden Damages

Hidden damage can occur on either a small or large project and is identified as a result of making eligible disaster repairs during construction. It will be considered for eligibility on a case by case basis and **must be identified to EMD immediately upon discovery.** The damage will be inspected with the Applicant. Proceeding with repair prior to EMD approval may jeopardize eligibility of the hidden damage for funding. Authorization to proceed with repair may be delayed if additional review is required under NEPA and /or NHPA.

Documentation of hidden damage shall include a description of the hidden damage, location, identification of the PW under which the repairs are being completed, and pictures, if available. It may require additional review for NEPA and/or NHPA

and once the review is complete, a determination will be made on eligibility.

Insurance Requirements

Insurance is required when the eligible repair costs for a damaged facility exceed \$5,000; provided insurance is reasonably available, adequate, and necessary. Insurance requirements apply to all eligible Applicants.

In subsequent disasters, FEMA will reduce eligible costs by the amount of eligible damage sustained during the previous type disaster for individual facilities. For example, if a facility incurred \$10,000 in damage during an earthquake and FEMA funds those repairs, then FEMA would reduce the amount of funding in the next earthquake by \$10,000. However, if the same facility is damaged by a windstorm rather than an earthquake, this reduction would not take place.

Length of Insurance Coverage

Insurance coverage will be maintained for the anticipated life of the restorative work or the insured facility, whichever is less. If the facility transfers ownership, the insurance requirement will remain with the facility and will be the responsibility of the new owner. FEMA will determine the type of insurance, amount of coverage required and time period the coverage must be maintained. The type of insurance required will be directly related to the type of hazard which caused the damage.

Insurance Recoveries

Actual and estimated insurance recoveries that apply to the damaged facility will be deducted from the eligible costs. The eligible cost of a PW may cover up to but not more than the deductible amount as

well as any uninsured damages to the facility.

Insurance Requirements for Flood Damaged Facilities

When an insured damaged facility is located in a special flood hazard area, as identified on a Flood Insurance Rate Map issued by FEMA, eligible costs up to the amount of the deductible under the National Flood Insurance Program and the uninsured losses will be eligible.

If the property is uninsured and located in a special flood hazard area, the amount of insurance proceeds that would have been received under the National Flood Insurance Program will be deducted from the total amount of eligible costs.

Flood damaged facilities located outside of a special flood hazard area will be required to obtain flood insurance in an amount and for a time period determined by FEMA, provided the insurance is reasonably available, adequate, and necessary.

Insurance Requirements for Non-Flood Related Damaged Facilities

Non-flood related damaged facilities may be covered by an Applicant's blanket insurance policy covering all of their facilities, by an insurance pool arrangement, or similar option.

Maintenance of Insurance

If an Applicant does not maintain the required insurance on a damaged facility then assistance will not be provided in a future event.

Insurance Not Reasonably Available

If the Applicant believes that the type and extent of insurance being required is not reasonable for the damaged facility, a request for a determination from the

Insurance Commissioner must be forwarded to EMD. The request shall provide documentation to support the position that the required insurance is not reasonable. EMD will forward the request to the Office of Insurance Commissioner for its determination.

If an insurance requirement is placed on the PW, the Applicant must complete and submit an insurance commitment form which will include information on current insurance before payment can be made on the PW. In addition, proof of current insurance must be submitted before the project can be closed out.

A copy of the insurance commitment form is included in Appendix A.

Payments

There are four types of payments under the Public Assistance Program. These are (1) small project payments, (2) large project payments, (3) Improved Project payments, and (4) indirect administrative allowance payments. All payments require an invoice voucher signed by the Applicant Agent. The documentation required and when payments may be requested differs for each form of payment. The details for each are outlined below.

Funding for projects will not be available for payment until the Project Worksheet is approved by FEMA. Prior to final approval of the Project Worksheet by FEMA and the transmittal of the computer generated document to your agency from the Emergency Management Division, funding is not obligated or available for release.

Any work done under a PW prior to approval of the PW is done by an Applicant at its own risk for reimbursement.

Prior to disbursement of Public Assistance funds, the Applicant must submit the following documents:

- Request for Public Assistance
- Two copies of a signed agreement between the Applicant and the Washington Military Department - Emergency Management Division
- State Disaster Assistance Application
- Designation of Applicant Agent Resolution or letter
- Washington State Military Department Signature Authorization form
- W-9 Request for Taxpayer Identification Number and Certification
- Debarment, Suspension, Ineligibility, or Voluntary Exclusion Certification Form
- Electronic Fund Transfer Form for non-state agency Applicants

Small Project Payments

Upon receipt of a funding approval letter, the P-2 Project Application Summary form and a copy of each of the Project Worksheets approved in the funding package, payment may be requested for each of the small Project Worksheets. Small projects are those approved with eligible costs under \$66,400.

Payment is based upon the estimate approved in the PW, not actual costs. Under this program, FEMA desires that the small projects be paid in full as soon as possible following funding approval.

Any obligated direct administrative costs will be remitted to the Applicant at the time the small project is paid out.

When the funding approval is forwarded to the Applicant Agent, a completed A19-1A invoice voucher is included for payment of the available small project funds approved

under that funding package. The invoice voucher shows the breakdown of federal and state funds for all the Small Project Worksheets within the package. A separate invoice voucher does not need to be completed for each PW. The invoice voucher must be signed under the Vendor's Certificate by the designated Applicant Agent or alternate and submitted to EMD. If the invoice voucher is signed by another individual, it will be returned for the correct signature before it will be processed for payment.

Funding under a small project is normally changed only under the appeal process. If the actual cost for a small project is lower than the amount approved, the Applicant is allowed to keep the extra amount. If the actual cost for a small project is higher than the amount approved, the Applicant must absorb the additional cost. The intent behind small project approvals and payments is that the total funding under all small project approvals will balance out. Accordingly, the extra funds from the overestimated Project Worksheets should be applied to those that were underestimated.

Large Project Payments

Payment under large projects is not as straight forward as the small projects. Payment under a large project is based upon work completed through progress payments. Large projects are those approved with eligible costs of \$66,400 or more.

Progress payments may be requested on a monthly basis. The Applicant Agent must determine the amount of funding to be requested based upon the amount of work completed under each specific Project Worksheet.

Progress payment requests must contain the following information: a letter of request signed by the Applicant Agent specifying the PW number and the amount of payment requested; an invoice voucher completed and signed by the Applicant Agent or alternate; and documentation of expenditures upon which the payment request is based.

The documentation of expenditures should be shown in a spreadsheet. An example of the type of documentation spreadsheet is found in Appendix A.

As the direct administrative costs are accrued throughout the life of the project, reimbursement may be requested based upon the costs accrued at any time. Reimbursement for direct administrative costs will be limited to the estimated costs funded by the PW or the actual costs, whichever is less. These costs may be adjusted during the final inspection process to capture the actual costs accrued.

The letter of request and invoice voucher may cover more than one Project Worksheet as long as the letter details the Project Worksheets being covered and the amount of payment requested for each.

The invoice voucher must be signed under the Vendor's Certificate by the designated Applicant Agent or alternate. If the invoice voucher is signed by another individual, it will be returned for the proper signature before it is processed for payment.

The required letter of request and supporting documentation also must be received before a payment request is processed.

Upon submittal of a completed payment request for a large project, payment will be

as follows: the federal and state share will be applied to the total amount of eligible costs being requested for reimbursement. A ten percent retainage will be deducted from the federal and state shares with the balance approved for payment. The ten percent retainage and any remaining approved funds will be paid upon confirmation from FEMA that the project is completed and closed.

An example of a payment request on \$10,000 in eligible costs is outlined below. The total payment is the amount available for payment of the completed work.

Federal Share (75%)	\$7,500.00
Federal 10% Retainage	(750.00)
State Share (12.5%)	1,250.00
<u>State 10% Retainage</u>	<u>(125.00)</u>
Total Payment:	\$7,875.00

Payment is limited to the amount approved on the Project Worksheet (minus the retainage) or the amount expended, whichever is less. Payments will be made based upon the funding approved for the eligible costs identified in the PW. If the total costs for a project exceed the total eligible costs approved by FEMA, no payments can be made on the difference until those additional costs are verified as eligible and approved by FEMA in a new version of the PW. Until an Applicant requests payment under a large project in accordance with these steps, payment on the approved Project Worksheet will not be made.

Improved Project Payments

When a project has been designated as an Improved Project, there is not a clear way to distinguish a precise boundary between FEMA eligible work and the project improvements. A formula is developed to calculate the eligible reimbursement

amount for each progress payment request. The formula is based on a percentage between the capped FEMA eligible work and the estimated total Improved Project cost. The following example illustrates how an Improved Project reimbursement formula is determined:

FEMA Eligible Work:	\$100,000
Total Improved Project Cost	\$500,000

$$\begin{aligned} & (\text{PW amount} / \text{Improved Project amount}) \\ & \quad \times 100 = \% \\ & \quad \text{or} \end{aligned}$$

$$(\$100,000 / \$500,000 \times 100 = 20\%)$$

The percentage of FEMA eligible work vs. the total project cost is 20%. Using the above example, 20% of each payment request will be paid. For example:
Total payment request: \$150,000

FEMA eligible reimbursement:

$$\$150,000 \times 20\% = \$30,000$$

Then the normal process is followed calculating the federal/state and local shares and deducting the 10% retainage from the amount to be paid.

When requesting a payment, the Applicant must include a signed A19-1A invoice voucher, a letter identifying the PW number, how much is being requested (total payment request before percentage is computed), and a back up spreadsheet identifying the project costs for the total payment.

State Management Costs pass-through funds – Indirect Administrative Allowance

The State Management Costs pass through funds (indirect administrative allowance) is not paid until all of the Applicant's Project Worksheets are completed, have been certified as complete by the Applicant Agent, all funding conditions have been met and FEMA concurs with the final costs. This payment occurs when the Applicant's disaster assistance grant is closed. Until that time, all requests for indirect administrative allowance payments will not be honored.

The indirect administrative allowance is a fixed at \$250. This funding is for the Applicant's participation in the Applicant Briefing, Kick-off Meeting, Exit Briefing, and the submittal of the grant paperwork. At the time of closure of the disaster assistance grant, the Applicant Agent must certify that at least \$250 in indirect administrative costs have been expended and an invoice voucher must be signed by the Applicant Agent and submitted for payment.

Electronic Fund Transfers

Payments are now made by electronic fund transfers (EFT). A form providing deposit information is required prior to any

payments being processed. EFT ensures a quicker and more efficient payment.

Documentation

Applicants should establish a file system for disaster recovery operations organized by Project Worksheet (PW) number. Each PW should be filed in a separate folder and include all supporting documents. The Applicant may use their own record keeping/filing system. The key to documentation is to have all costs and supporting documentation maintained and easily accessible by worksite on an individual project worksheet basis by disaster.

A separate tracking system that uses a unique charge code for each PW should be used so that only charges for the specific PW repair will be shown. It is important that the required documents are collected throughout the life of the project so that they are available at the time of monitoring visits, the final inspection or in case of an audit. At the final inspection all incurred costs must be for actual expenses, not estimated. Records must apply to and be identifiable as within the scope of work of a particular PW, in order to be eligible for reimbursement.

Work by Applicant Forces

If an Applicant uses their own staff to accomplish work they need to provide backup documentation and summary sheets to support the expenditures. Items to be maintained include: extracts from payroll with any cross-reference needed to locate original documents, a schedule of equipment used on the job, invoices, proof of payment for materials and supplies used on the job, inventory withdrawal forms for items taken from stock, and copies of all permits, environmental reviews and regulatory approval or exemptions.

Labor

A labor summary sheet (or timesheets) that identifies labor hours worked and labor rates (hourly/monthly rates including fringe benefits) for each staff person who worked on the project is required. Fringe benefit rates can be based on estimates when the PW is prepared. When compiling the actual costs for a project, the Applicant must use actual fringe benefits in calculating the final costs for labor expenditures.

Equipment

Equipment summary sheets are required showing equipment description including model, make, year, size, operator's name and time charged for that equipment. Equipment standby time is not eligible for reimbursement.

If repair work has not started when the PW is prepared, equipment usage is estimated. However, once work has started the rate for equipment usage needs to be tracked on actual vehicle mileage or an hourly rate for the actual time the vehicle was used. For example, make a note that the hours charged for Pickup No. 789 were because it was a parts truck used on the job site throughout the day.

Include all invoices and proof of payment for rented/purchased equipment. Reimbursement will be based on either the local equipment rates or the rates in the Schedule of Equipment rates published by FEMA; whichever is lower. If the local rate is lower and the Applicant certifies that the rates do not reflect all actual costs, the higher FEMA rates may be used. The Applicant may be requested to provide documentation of the basis for its rates. If an Applicant wishes to claim an equipment rate that exceeds the Federal Equipment Rate Schedule, it must document the basis for the rate and receive written approval

from FEMA for the higher rate. Equipment rental rates cannot include overhead and replacement costs.

Materials

If the Applicant uses material from their inventory they need to have an inventory system for tracking quantity, cost and the location where the item was used. Documentation on how the item cost was determined must be maintained. This could be an invoice showing the original purchase.

If material is purchased from a vendor, obtain a copy of the billing invoice from the vendor and the proof of payment. Make sure any materials charged are related to the PW scope of work and all invoices are for eligible work.

The cost of a replacement purchase to restock the Applicant's inventory, overhead and profit are not eligible for reimbursement.

Contract Work

If an Applicant chooses to contract out for the work to be done, then the following documentation needs to be maintained: "Request for Bid", bid documentation, plans, specifications and estimates (PS&E); contracts, change orders, invoices submitted by the contractor, proof of payment, a sheet summarizing the final quantities and costs, copies of any studies done to support the contracted work, and copies of all permits and environmental documentation and clearances.

Consultants

Consultant engineering services may be used for design, contract plan preparation, construction inspection, and construction management. Copies of all consultant contracts, agreements, tasks, addendums,

invoices and proof of payment warrants covering the life of the project are required. If the consultant is working on more than one project, the eligible work must be separated between project worksheets as well as from the non-eligible work on any invoices from the consultant or sub-consultant.

Photographs

Photos play an important role in project documentation. They need to be taken to document the damage before the repair begins and also after the repair is completed. If additional damages are found during repair, photos must be taken as well as documenting the additional damage in crew logs.

Good record keeping will clearly document the damages and leave an audit trail of expenditures. These will provide documentation for reviewers who will need to recommend reimbursement of eligible disaster recovery costs.

Sample forms for recording force account labor, force account equipment usage, rental equipment and contracts can be found on the EMD website at:

www.emd.wa.gov/disaster/disaster_forms.shtml

Time Extensions

FEMA approves PWs with a specific time frame for work to be completed. These time periods are as follows:

Emergency Work, Categories A – B
6 months

Permanent Work, Categories C – G
18 months

Project completion deadlines are established based upon the declaration date. EMD may extend the project completion deadlines upon request, if an Applicant can demonstrate extenuating circumstances or unusual project requirements beyond their control. For categories A and B work, a time extension of up to an additional 6 months may be granted and up to an additional 30 months for permanent work, categories C – G. Time extensions are approved on a PW by PW basis.

A request for a time extension shall include: a status of the completion of the work; an explanation of the difficulties encountered in completing the work; and a detailed timeline for completion of the remaining elements.

Request for a time extension must be forwarded to EMD prior to expiration of the approved project completion date. Time extensions may only be approved based upon unusual situations or circumstances beyond the Applicant's control. After the state's authority for time extensions has expired, EMD will forward the Applicant's time extension request with a recommendation to the Regional Administrator of FEMA with the following information: dates and conditions of all previous time extensions for that PW and any related PWs for that project.

The FEMA Regional Administrator will make a determination on the request and notify EMD in writing. If the time extension is denied, then only those eligible project costs incurred up to the last approved completion date will be eligible for reimbursement.

Quarterly Report from Applicant

The Applicant is required to submit to EMD a quarterly report indicating the status of all

their large projects. The report should identify the costs incurred to date, indicate an estimated completion date and whether cost under-runs or overruns are expected. The Applicant should note in the status of completion column pertinent information on the project's progress, (e.g., bids and specifications are completed), status, expected project construction commencement date, and current percentage of project completion. EMD sends the compiled information to FEMA on a quarterly basis. Failure to submit a complete quarterly report within 15 days following the end of the quarter will result in suspension of all payments to the Applicant until a complete quarterly report is received by EMD.

An Applicant is not required to submit a quarterly report on a large project after a Statement of Documentation (SOD) has been completed and forwarded to EMD. A copy of a quarterly report form is included in Appendix A.

Cost Overruns

Small Project

Due to the nature of small projects, they are not normally eligible for cost overruns. If for some unusual reason there is a large cost overrun for a small project, the Applicant may submit a letter to EMD indicating the circumstances. If the scope of work is inaccurate, the small project can be re-inspected. If the cost repair was underestimated then additional funds can only be recouped under a small project appeal.

Large Project

Applicant quarterly status reports should indicate if a large project is expected to incur a cost overrun. If the Applicant expects a cost overrun due to higher contract costs, then they are required to

contact EMD for concurrence before awarding the contract. If the construction overrun is more than 10 percent, then a new version of the PW will be prepared for review and approval of the additional eligible costs involved.

If a request to FEMA for additional funds is required, the Regional Administrator approves or disapproves payment of additional Public Assistance funds based on the nature and size of the cost overrun. Without prior approval, FEMA will not ordinarily approve a cost overrun in circumstances where there has been a change in the scope of a project after the original PW was approved.

Unless supporting information from the Applicant is received in a timely manner, additional Public Assistance funds will more than likely not be approved by the Regional Administrator. EMD cannot disburse funds in excess of the federal and state shares of the approved PW amount.

Monitoring

Monitoring will occur throughout the life of the project repair by the EMD PAC and PO. This does not mean daily on-site inspections; these remain the responsibility of the Applicant. It does mean reviewing contract plans, bid tabs and awards, conducting intermediate and final inspections during the repair, and being on-call to the Applicant to discuss eligibility, review changes in scope, environmental considerations, cost increases, and hidden damages.

Monitoring is done to ensure that the work is completed in accordance with the PW, including special considerations and permit requirements. It can help prevent problems from occurring during final inspection and closeout, prevent audit findings, and

subsequently, prevent loss of funds for the Applicant.

Large Project Monitoring

All large projects will be monitored. Monitoring will include such things as site visits, review of special considerations (i.e., environmental, historic, hazard mitigation, etc.), review and approval of the Plans, Specifications, and Estimates (PS&E), construction reviews (change orders, cost increases, hidden damage), and work involving the Applicant's own forces (labor, materials, and equipment). At a minimum, quarterly site monitoring will be completed by EMD to assess the status of the project.

Small Project Monitoring

Monitoring is primarily done on only those small projects with a high degree of technical or program complexity, those that have special considerations (i.e., environmental, historic, or hazard mitigation measures, etc.) included in the project, those that have hidden damage, or at the Applicant's request.

Hidden Damage

As a project is being constructed, hidden damage may be identified or significant changes, product substitutions or delays may occur. These changes need to be reviewed against the PW, contract, environmental and other special condition requirements for compliance.

Hidden damage must be reviewed on a case by case basis for eligibility. It can occur on either a small or large project and is identified as a result of making eligible disaster repairs. The Applicant must show any hidden damage to EMD immediately upon discovery and prior to making the repair as it may require additional review under NEPA. Once the review is complete, a determination will be made on eligibility

prior to beginning work. Proceeding with the repair prior to FEMA's approval will jeopardize funding for the damage.

Final Inspection

The Emergency Management Division (EMD) is responsible for making an accounting to FEMA of eligible costs for each approved large project to ensure work accomplished by the Applicant conforms to the intent, scope of work, and costs approved by FEMA in the Project Worksheet (PW).

The completion date does not mean substantial completion or when the last invoice was received or paid. **The completion date is the day the project is entirely physically complete, including punch list items.** When the SOD is submitted, the Applicant should have all of their documentation compiled for that project so the final inspection can proceed in a timely manner.

Large Projects

A Statement of Documentation (SOD), including instructions, is forwarded to the Applicant with each approved large project. The Applicant, within 60 days following final completion of all work (including punch list items), submits the completed SOD to EMD. This should include release of retainage and payment of all project invoices. If the Applicant is not able to return a completed SOD within this time frame, a time extension will be required.

The SOD is used to certify completion of the large project, document the eligible costs incurred, and to verify that the work was accomplished as described in the PW scope of work.

Receipt of the completed SOD by EMD initiates the final inspection process. EMD

will assign a PO to the project for inspection of the completed work. The PO will make arrangements with the Applicant to review the work and the Applicant's financial records for this project. This inspection is necessary prior to final payment of claims.

Generally, the final inspection process is as follows:

1. Statement of Documentation is received.
2. Project Officer is assigned to the Final Inspection Report (FIR).
3. The PO contacts the Applicant Agent to schedule a meeting.
4. The PO reviews the PW and project documents on file prior to the meeting.
5. The PO meets with the Applicant, reviews the Applicant's financial records for that project and visits the site.
6. After the final inspection is completed, the PO prepares a report of the project, summarizing the project, eligible costs (including any change orders, under-runs or overruns, ineligible items, etc.) and assembles invoices and proof of payment, permits and any other pertinent data into the FIR.
7. When the FIR has been completed and reviewed, it is returned to the Applicant for concurrence and signature. It is then forwarded to FEMA for review and approval.

Small Projects

Final Inspections are required on all small projects that have special considerations, such as hazard mitigation and historical or environmental requirements as a condition of funding. The final inspection is initiated

when the Applicant sends a letter to EMD certifying that all work in a small project PW has been completed.

The certification letter shall identify the PW number, the date the project was completed, and the total amount claimed for the project (including the federal, state, and local shares of the approved project cost). The small project certification form found in Appendix A may be used instead of a letter. Both the certification letter and the form must be signed by either the Applicant Agent or the alternate. The Public Assistance Program must have a signed, original certification for each small project on file in order to close that project.

A PO assigned to the project will set up a meeting time to discuss the project and perform a field review of the completed work. The PO will check to ensure the conditions of approval, including any special considerations, were met and obtain a certification of compliance that the project was completed in accordance with all federal/state laws, regulations and Special Considerations. Any deviations need to be documented and eligibility needs to be determined. If any permits (such as handling/disposal of hazardous materials, hydraulic project approvals, shoreline substantial development permits) were required, a copy should be provided for EMD's file.

After the site inspection, a final inspection report will be prepared that notes when the inspection was done, if the approved scope of work and any special conditions were completed, if there were any deviations and includes photos of the site. Any hazard mitigation proposal approved in the PW will be documented.

Typically, alternate or improved small projects, without special conditions, will not have final inspections done. However, they may be monitored to verify completion of work in accordance with the approved scope of work.

After the Final Inspection Reports have been completed for all the large projects and all of the small projects have been certified as complete by the Applicant Agent, EMD requests closure of the Applicant's disaster grant from FEMA.

Audit Requirement

All Applicants receiving financial assistance from FEMA must comply with OMB Circular A-133. This circular provides government-wide standards for implementing the Single Audit Act of 1984, Public Law 98-502, and replaces Attachment P to OMB Circular A-102.

The Single Audit Act divides grant recipients into two categories:

1. Recipients of federal grants expending \$500,000 or more in federal financial assistance in one fiscal year must have an audit for that year in accordance with OMB Circular A-133.
2. Recipients of federal grants expending less than \$500,000 in federal financial assistance in a fiscal year are exempt from compliance with the Act and other federal audit requirements.
3. Federal financial assistance includes all federal funds received by the Applicant, not just the federal funds received under this disaster grant.

When an audit is required, one copy of the audit report shall be sent to the Accounting

Manager of the Military Department within 9 months after the close of the fiscal year.

Cost Principles

The US Office of Management and Budget (OMB) has established cost principles that define allowable costs under various federal grant programs, including Public Assistance, for different types of grantees.

These principles are outlined in the following OMB documents:

- OMB Circular A-87 – Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular A-21 – Cost Principles for Educational Facilities
- OMB Circular A-122 – Cost Principles for Non-Profit Organizations.

The purpose of these circulars is to provide guidelines for determining the allowable costs of federal grants, contracts, and other agreements. These circulars provide guidance in three main areas:

- General guidelines for charging awards
- Allowability of specific items such as payroll, travel, equipment, etc.
- Charging indirect costs (administration and overhead)

Applicants receiving financial assistance from FEMA must comply with the OMB Circular for Cost Principles under which they fall. While similar in purpose Circular A-87, A-21, and A-122 have different rules for the types of costs that are allowable and those that can be treated as indirect costs.

These Circulars can be found at the OMB website at:

www.whitehouse.gov/omb/circulars

Final Payment and Applicant Close Out

Prior to Applicant closeout, the State will conduct a review of the Applicant project worksheets to determine if Real Property (44 CFR §13.31) or Tangible Property (44 CFR §13.32 and 13.50) reporting requirements are applicable. Tangible Personal Property Report Form SF-428 cover, – Reporting for personal property (equipment) with a value of \$5,000 or more will only be reported at closeout to FEMA on a SF-428 (SF-428 (B) (final report) and SF-428 (S)(supplemental)). Note: Only federally owned tangible personal property is reported annually (SF-428(cover) and SF-428(A) (annual reporting)). Tangible Property (equipment) and Real Property reporting is related only to PA Alternate Project – project worksheet new purchases.

Once all FIRs have been completed on an applicant's large projects, all small projects have been certified as complete, any special considerations have been verified, and all PWs are obligated or deobligated, EMD will make any final payments required.

Administrative funds are paid based upon final approved costs. Administrative funds are not paid until the Applicant has completed all physical work, special conditions have been verified, and all final cost adjustments have been made.

After completion of all projects and reconciliation all payments, EMD sends a letter to the Applicant indicating they have met the requirements of the laws and

regulations, and that FEMA and the state do not intend to take any further action.

The Applicant must retain their files for six years after the date of their last payment and are subject to audit by state and federal auditors during that time period.

Appeal Procedures

Small Project Appeal – The amount of funding approved on small projects may only be appealed when all of the work under the Applicant's small project PWs has been completed. If the cumulative costs expended exceed the total amount of eligible costs approved under all of the Applicant's small PWs, an appeal of the funding may be considered. Such an appeal must be submitted to the EMD within **60 days** of completion of the last small project. As part of the review of the appeal, all of the small projects will be inspected for compliance with the approved scopes of work and reviewed for eligible costs.

Large Project Appeal - If there is a disagreement about eligibility, time limits, funding, or any other determination made regarding an Applicant's disaster assistance grant, an appeal process is available for review and reconsideration of the situation.

The appeal procedure requires the Applicant to make a written request for reconsideration directly to EMD, specifically identifying the action under appeal, the law, regulation or policy under which the original decision was erroneously made, and giving an appropriate justification for the appeal. Two sets of the related documentation supporting the appeal should be attached to the letter of request. This request must be

made within sixty days of the date the action in question was received.

EMD forwards all appeals to the FEMA Regional Administrator within 60 days of receipt along with appropriate comments, recommendations, and any additional relevant information available.

The FEMA Regional Administrator then reviews the appeal and reference materials submitted, and makes additional investigations as deemed appropriate. Within 90 days, the Regional Administrator notifies EMD in writing of the decision to grant or deny the appeal. If additional information is requested, then the 90 day review period restarts upon receipt of the requested information. If the decision is granted for the appeal, the Regional Administrator will take additional action as is necessary to implement the decision.

The Applicant may submit a second appeal to EMD within 60 days following receipt of the Regional Director's decision under the first appeal. A second appeal with a state recommendation will be forwarded within 60 days of receipt of the appeal through the Regional Administrator to the FEMA Assistant Administrator, Disaster Assistance Directorate. The FEMA Assistant Administrator of the Disaster Assistance Directorate will make a decision on the appeal within 90 days of receipt of the appeal. If additional information is requested, then the 90 day review period restarts upon receipt of the requested information. This decision is final and ends the administrative appeal process.

State Contracting Documents

There are a number of documents required by our Contracting Office, which must be completed and returned to our office, before we are able to release funding bundles or

the associated funding. The following documents are required to be completed and returned to our office before any funding documents are released to you.

- Public Assistance Grant Agreement (2 copies)
- Designation of Applicant Agent Resolution (certified) or Letter
- Signature Authorization Form
- Disaster Assistance Application
- Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form
- IRS Form W-9
- Statewide Vendor Registration and Direct Deposit Authorization

These forms should be **mailed** to:

Gerard Urbas
Public Assistance Program
Washington Military Department
Building 20-B, MS: TA-20
Camp Murray, Washington 98430-5122

None of these documents should be turned over to a federal representative (FEMA PAC, Project Specialist). All of these documents should be returned to our offices within 2 months of the disaster declaration date.

Public Assistance Grant Agreement

Two copies of the state agreement between you, as the applicant, and the State, as the grantee, will be provided. **Both** copies of the agreement must be completed, signed, and returned to us. After the agreements have been executed by us, one original copy will be returned with the first approved funding bundle.

When completing the state agreement, please complete the following sections:

Grant Agreement Face Sheet

Box 1 – the address for your entity or organization.

Box 4 – The name and phone number of the Applicant Agent.

Box 8 – Data Universal Numbering System (DUNS) No. – The Federal government now requires organizations to provide a DUNS number as part of their grant applications and proposals.

Box 9 – UBI No. – A UBI number is a 9-digit number that registers you with several state agencies and allows you to do business in Washington State. A UBI number is sometimes called a tax registration number, a business registration number, and a business license number. Usually, your Finance Director can provide you with this number for your organization. If you don't have one, then one can be obtained through the Washington Department of Licensing, by completing a Master Business Application. For more information and the application form, see:

www.dol.wa.gov/business/faqlicense.html

Box 14 – Tax Identification Number (TIN) – An Employer Identification Number (EIN) is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, governments, tribes and private non-profit organizations need an EIN. You may apply for an EIN in various ways, and now you may apply online. This is a free service offered by the Internal Revenue Service. See the following website, to apply online:

www.irs.gov/businesses/small/article/0,,id=102767,00.html

Box 15 – Service Districts – Provide the Legislative District Number and

Congressional District number for where your organization is located. If you are unsure of the numbers, they can be found either at the district finder:
<http://apps.leg.wa.gov/DistrictFinder/Default.aspx> or by map at:
www.sos.wa.gov/elections/redistricting/maps.aspx

The Legislative and Congressional Districts were revised and adopted in 2012.

Lower Right Corner – The grant agreement must be signed by the individual authorized to do so for your agency. The signature and name must match one of the names and signatures found in Box 1 or 2 of the Signature Authorization Form. The space for legal review is provided, should your organization desire to have your legal representation review the contract before signing. It is not required by the State to have this signature line completed. If you do so, then both copies of the contract must be signed by your legal representative.

Special Terms and Conditions

Page 2, Article I, Section 3. H., must be completed by **state agency applicants**. Please complete this section with your agency number and the accounting fund number. All payments will be transferred to you through interagency reimbursement procedures. State colleges and universities are not required to complete this section. In their case, they must complete the Statewide Vendor Registration and Direct Deposit Form, for electronic transfer of their grant payments.

Page 4, Article VI, must be completed with the name and contact information of your designated Applicant Agent.

Note: Both copies of the Public Assistance Grant Agreement must be

fully completed, signed, and returned to the Public Assistance Program office.

Designation of Applicant Agent

Each applicant must formally designate an Applicant Agent who will be the primary point of contact for this grant agreement. A jurisdiction may also appoint one or two alternate Applicant Agents. The Applicant Agent has the responsibility of completing and/or signing all required documentation for this grant. This typically includes: contract grant agreement, project worksheets, funding requests (both cover letter and invoice voucher), time extension requests, Alternate Project requests, Improved Project requests, and documents identifying hidden damage or revised methods of project completion.

The designation may be made either by resolution or by letter. However, an Applicant Agent may not appoint them self. The designation must either be disaster specific or for any event(s) which occur within a specific time period. If the designation does not identify a specific event or time period, then it will be considered only applicable to one specific event.

The method of designation may be done either by a resolution passed by your governing body or by a letter signed by the Chairman of the Board or the appointed head of your organization. If the Board has previously given a generic authorization to the appointed head of your organization and the desire is to maintain this responsibility to this individual, then a specific authorization will be required either by resolution or a letter signed by the Chairman of the Board. A sample resolution and designation letter is found in Appendix A.

If the resolution format is selected, then a copy of the resolution signed by a majority of the Board members should be made with the copy certified by the Secretary of the Board. This certification signature must be original.

If the letter format is selected, then the content of the letter must contain the same required language as the resolution. The letter must clearly state the name and title of the individual appointed as the Applicant Agent as well as the name and title of the alternate(s).

The individuals identified in the letter/resolution as Applicant Agent and alternate(s) must sign the State Disaster Assistance Application.

State Disaster Assistance Application

The State Disaster Assistance Application is the State's application form for the Public Assistance Program. It is broken up into shaded and un-shaded sections. We will complete the shaded sections. Please complete the un-shaded sections for Legal Applicant Recipient, Applicant Agent and Alternate Applicant Agent Contact Information, Type of Applicant and Congressional and State Legislative District Numbers.

The un-shaded box on the Legal Applicant Recipient is the name of the jurisdiction, (e.g. City of Olympia). It is not the Applicant Agent's name or the name of the department the Applicant Agent is located in. The street and mailing address is needed. In this example, even though the Olympia Public Works Department had all of the claimed damages, the applicant name is the City of Olympia.

The Applicant Agent's name and title must match the names and titles found on the

Designation of Applicant Agent letter or resolution. Signatures are needed to be able to verify the correct individuals are signing the various documents. If someone else signs for them, the document will not be accepted.

The Congressional and State Legislative District Numbers can be obtained, if not known, from the sources identified under the Public Assistance Grant Agreement.

After the form is returned, it will be checked for completeness. If it is ready then the State number and FEMA's Applicant number will be added, and the Governor's Authorized Representative will sign at the bottom of the form. A copy of the signed application will be sent to you with your first funding documents.

A copy of the State Disaster Assistance Application is found in Appendix A.

Signature Authorization Form

The Washington State Military Department's Contracting Office requires the completion of a Signature Authorization form. The form is divided into three sections. The first section requires the name of your organization, the date you are submitting the form, the addition of the disaster number, and the completion of the contract number. The contract number is located in the upper right corner of your grant agreement or you may leave this block empty to be filled in by PA staff.

The next block identified as "1. Authorizing Authority" needs to be signed by the Board Chairman, Mayor, or the appointed head of your organization. As the authorizing authority, this individual has the authority to sign contracts, contract amendments, and any other documents required for the Public Assistance Program.

Block 2 for contracts and amendments identifies other individuals authorized to sign contracts and contract amendments. Many times, the authority to sign contracts and contract amendments for an organization is limited to one or two individuals, besides the authorizing authority. Those individuals with this authority should sign in this block. If the Applicant Agent is given this authority by the designation letter or resolution, then they should also sign in this block.

All Public Assistance grant agreements and amendments must be signed by one of the individuals identified in Blocks 1 and 2.

If the Authorizing Authority or individuals authorized to sign contracts/contract amendments for your agency changes, then we will need an amended Signature Authorization Form with the individual's signature on it.

A copy of the Signature Authorization Form is located in Appendix A.

Debarred/Suspended Contractor Certification

As a sub-grantee seeking federal financial assistance through the State of Washington, federal regulations require your jurisdiction to sign a "Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form" also referred to as Debarred/Suspended Contractor Certification.

All applicants or subgrantees are required to sign and return this Certification Form to our office.

If any work funded under this grant is completed by a contractor or subcontractor, they also must sign a copy of this Certification Form. Our office only requires

a copy of the form signed by either the Authorizing Authority or Applicant Agent, be provided to our office. The forms signed by contractors and subcontractors should be retained in your documentation file for those specific projects.

The form has two sections that need to be completed. The first is at the top of the page with your organization's legal name, address, UBI No., you tax identification number (TIN or EIN) and the name your organization goes by, if it is different than your legal name. As an example, The Smith County Hospital District No. 1 does business as Good Health Medical Center. This applicant's name of Smith County Hospital District No. 1 should be filled in under "Name". Good Health Medical Center would be filled in the box titled "Doing business as". The second section is at the bottom of the form, requiring the appropriate signature as identified above.

A copy of the Debarment Certification Form is found in Appendix A.

IRS Form W-9

A completed W-9 Form, Request for Taxpayer Identification Number and Certification must be completed and submitted to us.

After completing the form, it also needs to be returned to the PA Offices with your other State Grant Documents. A copy of the latest W-9 form with instructions can be found in Appendix A.

Statewide Vendor Registration and Direct Deposit Authorization Form

The Public Assistance Program makes all payments electronically. State agencies do not complete this form, but complete Article 1, Section 3.H. for electronic fund transfers.

All other applicants are required to complete this form and submit it. Detailed instructions are found on page 2 of the form.

In many cases, you will find your organization has already set up a direct deposit authorization with the State of Washington. In this instance, fill out the vendor name, the SWV number at the bottom right corner, and check the box at the top of the page in the upper right corner. If your organization changes account numbers for these deposits and/or changes financial institutions, a new Statewide Vendor Registration and Direct Deposit Authorization form will need to be completed.

A copy of the Direct Deposit Authorization Form is found in Appendix A.

Funding

Federal Funding

FEMA typically provides 75 percent funding of the approved eligible costs for each Applicant. In addition, funding of the indirect administrative allowance is provided by FEMA, based upon a formula established by Congress.

State Funding

State funding is determined by the Governor and State Legislature following a disaster.

Agreement

EMD prepares an agreement for each Applicant. After two copies of the agreement have been executed by both the Applicant and the Emergency Management Division Director, one original is returned to the Applicant.

Required Documentation

Applicants are required to retain documentation which adequately identifies the source and application of Public Assistance funds. All of the documentation for costs claimed is required to be maintained by each Applicant. For all projects, documentation includes adequate accounting of actual costs and recoveries incurred.

Indirect Administrative Allowance

Applicants will receive administrative costs under the Public Assistance Program. The funding for the indirect administrative allowance is provided by the state and is determined by the terms of the Public Assistance Grant Agreement. The indirect administrative allowance covers the necessary costs incurred in preliminary phases of the grant.

The payment occurs when the Applicant's disaster assistance grant is closed.

Examples of the activities that this allowance is intended to cover are:

- Identifying and producing eligibility and other critical documents;
- completion of Request for Public Assistance (RPA) forms;
- attending the Applicant's Briefing;
- attendance at the Kick-Off Meeting;
- establishing files, copies and documentation;
- attending the Exit Briefing

This allowance is not intended to cover the direct costs associated with managing individual project worksheets.

The Applicant **MUST** retain documentation that will verify at least \$250 in expenditures covered under the indirect administrative

allowance. This documentation would include timesheets, showing the employee, project and how much time was actually spent in administering the project.

Separate charge codes should be established to be able to track these expenditures. At the end of the grant, the Applicant Agent must certify the amount of indirect administrative costs expended.

Recovery of Overpayments from Applicant

Every effort is made to avoid instances where Applicants receive more funds than can be supported by documentation. In the cases where an overpayment of funds is determined, EMD sends a letter requesting the Applicant to repay. If the overpayment is determined prior to final payment of the project, EMD may withhold the overpayment from the final payment.

An Applicant is required to return overpayments to the state within 30 days of request. The warrant should be made payable to the Washington Military Department, Emergency Management Division.

State and Federal Laws to be Observed

The Applicant must comply with all state and federal laws in performing all tasks undertaken with respect to the Public Assistance Program. The following sections are included for informational purposes and are not professed to include all relevant laws. It is the Applicant's responsibility to comply with all federal, state and local laws.

PUBLIC LAW 88-352, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 USC 2000d et seq.)

The Applicant must comply with the provisions of "Public Law 88-352", which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

SECTION 504 THE REHABILITATION ACT, 1973, AS AMENDED (29 USC §794).

The Applicant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits or be subjected to discrimination under any program or activity receiving federal assistance funds.

AMERICANS WITH DISABILITIES ACT (42 USC §12101, et seq.)

The Applicant shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the Applicant four principal ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; and 4) with respect to existing facilities and new construction .

COPELAND ACT (Anti-Kickback Act) (40 USC §and 18 USC §874)

The Applicant shall comply with the Copeland Act, which makes it a criminal

offense for any person to induce, by any manner whatsoever, any other person employed on the construction , prosecution, completion, or repair of any public building, or work financed in whole or in part by liens or grants from the United States, to give up any part or the compensation which he or she is entitled under his or her contract of employment. Compensation shall consist of wages and approved fringe benefits.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 USC §§327 et seq.).

The Applicant shall comply with the provisions of the Contract Work Hours and Safety Standards Act. According to this Act, no contract work may involve or require laborers or mechanics to work in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If the Act is violated, the Applicant or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages. These requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families.

THE CLEAN AIR ACT, AS AMENDED (42 USC §7401 et seq.).

The Applicant shall comply with the Clean Air Act, which prohibits (1) engaging in, (2) supporting in any way or providing financial assistance for, (3) licensing or permitting, or (4) approving any activity which does not conform to the state implementation plan for natural primary and secondary ambient air quality standards. The Applicant shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA)

list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that the facility to be used in the project is under consideration for listing by EPA.

EXECUTIVE ORDER 11990, MAY 24, 1977: PROTECTION OF WETLANDS (42 FR 26961 et seq.).

The Applicant shall comply with Executive Order 11990. The intent of this Executive Order is (1) to avoid, to the extent possible, adverse impacts associated with the destruction or modification of wetland, and (2) to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative.

The Applicant, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless (1) there is no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which may result from such use. In making this determination, the Applicant may take into account economic, environmental and other pertinent factors.

EXECUTIVE ORDER 11988, MAY 24, 1977: FLOODPLAIN MANAGEMENT (42 FR 26951 et seq.).

The Applicant shall comply with the provisions of Executive Order 11988. The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the Applicant proposes to conduct, support or allow an action to be located in a floodplain, the Applicant must consider alternatives to avoid adverse

effects and incompatible involvement in the floodplain. If sitting in a floodplain is the only practical alternative, the Applicant must, prior to taking any action (1) design or modify its actions in order to minimize any potential harm to the floodplain, and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain.

THE WILD AND SCENIC RIVERS ACT OF 1968, AS AMENDED (16 USC §§1271 et seq.).

The Applicant shall comply with the Wild and Scenic Rivers Act. The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant license, or other mechanism cannot be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

COASTAL ZONE MANAGEMENT ACT 1972, AS AMENDED (16 USC §§1451 et sq.).

The Applicant shall comply with the Coastal Zone Management Act of 1972, as amended. The intent of this Act is to preserve, protect, develop, and where possible, restore or enhance the resources of the nation's coastal zone. Federal agencies cannot approve assistance for proposed projects that are inconsistent with the state's Coastal Zone Management program except upon a finding by the U.S. Secretary of Commerce that such a project is consistent with the purpose of this chapter or necessary in the interest of national security.

THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED (16 USC §1531 et seq.)

The Applicant shall comply with the Endangered Species of 1973, as amended. The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical.

THE RESERVOIR SALVAGE ACT OF 1960, AS AMENDED BY THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (16 USC §§469 et seq.).

Under the Reservoir Salvage Act, the Applicant must comply with provisions for the preservation of historical and archaeological data (including relics and specimens) that might otherwise be irreparably lost or destroyed as a result of any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or program. Whenever the Applicant finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any federally funded construction project or federally licensed project, activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical or archaeological data, the Applicant must notify the U.S. Secretary of Interior in writing and provide appropriate information concerning the project or program activity.

THE ARCHAEOLOGICAL AND HISTORICAL DATA PRESERVATION ACT OF 1974 (16 USC §469 a-1 et seq.).

The Applicant shall comply with the Archaeological and Historical Data Preservation Act, which provides for the preservation of historic and archaeological information that would be lost due to development and construction activities as a result of federally funded activities.

THE SAFE DRINKING WATER ACT OF 1974, AS AMENDED (42 USC Section 201, 300(f) et seq., and USC Section 349)

The Applicant must comply with the Safe Drinking Water Act, as amended, which is intended to protect underground sources of water. No commitment for federal financial assistance, according to this Act, shall be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.

THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972, AS AMENDED, INCLUDING THE CLEAR WATER ACT OF 1977, PUBLIC LAW 92-212 (33 USC Section 1251 et seq.).

The Applicant must assure compliance with the Water Pollution Control Act, as amended, which provides for the restoration of chemical, physical and biological integrity of the nation's water.

THE SOLID WASTE DISPOSAL ACT, AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (42 U.S.C. Section 6901 et seq.).

The Applicant must assure compliance with the Solid Waste Disposal Act, as amended. The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

THE FISH AND WILDLIFE
COORDINATION ACT OF 1958, AS
AMENDED (16 USC Section 661 et seq.).

The Applicant must assure compliance with the Fish and Wildlife Coordination Act, as amended. The Act assures that wildlife conservation receives equal consideration and is coordinated with other features or water resources development programs.

PREVAILING WAGES ON PUBLIC
WORKS, CHAPTER 39.12 RCW

The Applicant shall comply with the provisions of Chapter 39.12 RCW, Prevailing Wages on Public Works. This statute mandates that the prevailing rate of wage, as determined by the state Department of Labor and Industries, be paid to workers performing under public works contracts.

RELOCATION ASSISTANCE AND REAL
PROPERTY ACQUISITION POLICY
CHAPTER 8.26 RCW

The Applicant shall comply with the provisions of Chapter 8.26 RCW and Chapter 365-24 WAC when its activities involve any acquisition of real property assisted under the Public Assistance Program or the displacement of any family, individual, business, non-profit organization or farm that results from such acquisition.

STATE ENVIRONMENTAL POLICY ACT
(SEPA), CHAPTER 43.21C RCW

The Applicant shall comply with the provisions of Chapter 43.21(C) RCW and Chapter 197-11 WAC, the guidelines by which local agencies will (1) require an environmental checklist from private and public entities considering an action potentially subject to the Environmental Impact Statement (EIS) requirement of SEPA, (2) make “threshold determinations” that such an action will not have a significant environmental impact, (3)

provide for the preparation of a draft and final EIS if the action has significant impact, and (4) circulate the EIS to other agencies and interested parties.

NOISE CONTROL, CHAPTER 70.107
RCW

The Applicant shall assure compliance with the state Noise Control Act. Objectives of the Act are to assist local governments in implementing local noise ordinances and to control and reduce excessive noise in Washington.

SHORELINE MANAGEMENT ACT OF
1971, CHAPTER 90.58 RCW

The Applicant shall comply with the provisions of Chapter 90.58 RCW. This Act defines a planning program and a permit system which are initiated at the local government level under state guidance. Its purpose is to protect and enhance the state’s shoreline and it includes a comprehensive shoreline inventory process and a master program for regulation of shoreline uses. A permit application at the local level must be in compliance with those plans and consistent with the state Coastal Zone Management program if substantial developments and shoreline modifications occur, and a record of the application and decision must be submitted to the state.

STATE BUILDING CODE, CHAPTER
19.27 RCW; ENERGY RELATED
BUILDING STANDARDS, CHAPTER 19.27
RCW; AND PROVISIONS IN BUILDING
FOR AGED AND HANDICAPPED
PERSONS, CHAPTER 70.92 RCW

The Applicant shall comply with the provisions of Chapter 19.27 RCW, Chapter 70.92 RCW and regulations for barrier free facilities adopted by the Washington State Building Code Council pursuant to these statutes.

The State Building Code Act provides for a uniform state building code and mandates counties, cities and towns to administer and enforce its provisions. Local governments are authorized to modify the state building code to fit local conditions as long as such modifications do not result in a code that is less than the minimum performance standards and objectives contained in the state code.

OPEN PUBLIC MEETING ACT, CHAPTER 42.30 RCW

The Applicant shall comply with provisions of Chapter 42.30 RCW which require that all meetings of the governing body which pertain to the implementation of the Public Assistance Program shall be open to the public except those where specific provision is made for executive sessions pursuant to RCW 42.30.110.

LAW AGAINST DISCRIMINATION, CHAPTER 49.60 RCW

The Applicant shall comply with the provisions of Chapter 49.60 RCW in all activities relating to the implementation of this program.

GOVERNOR'S EXECUTIVE ORDER 89-10, DECEMBER 11, 1989: PROTECTION OF WETLANDS, AND GOVERNOR'S EXECUTIVE ORDER 90-04, APRIL 21, 1990: PROTECTION OF WETLANDS

The Applicant shall ensure that it avoids any activities that would adversely affect wetlands and adequately mitigates unavoidable impacts. For the purposes of this requirement, except where a contrary definition is provided by statute, mitigation means: (1) avoiding the impact altogether by not taking certain action or part of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to

avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (6) monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures. Mitigation may not include any of the above measures to the extent that they may be contrary to statute as applied under the particular circumstances. Emergency work that is essential to save lives and protect property and public health is exempt from these provisions